

Filed in the Clerk's Office
the 10 day of September, 2003
TESTE: LILLIE M. HART, CLERK 3:25pm
By [Signature] D.C.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA,

v.

CHESAPEAKE CASE NOS: CR03-3089, 3090, 3091
FAIRFAX CRIMINAL NO. 102888
Hon. Jane Marum Roush

LEE BOYD MALVO,

Defendant.

NOTICE OF MENTAL HEALTH EXPERT TESTIMONY

TAKE NOTICE that the defendant, Lee Boyd Malvo, by and through his co-counsels, intends to present expert testimony to support a claim in mitigation relating to the Defendant's history, character and/or mental condition as set forth in Virginia Code §19.2-264.3:1(A). Said notice is required by §19.2-264.3:1(E) of the Virginia Code, 1950, as amended and is filed pursuant thereto.

Respectfully submitted,

LEE BOYD MALVO.

By _____
Co-Counsel
and

By _____
Co-Counsel
[Signature]

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CERTIFICATE OF SERVICE

We/I hereby certify that a true copy of the foregoing Motion/Memorandum was mailed, first class to:

Robert F. Horan, Jr., Esquire
Commonwealth's Attorney
Raymond F. Morrogh, Esquire
Deputy Commonwealth's Attorney
4110 Chain Bridge Road
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Fairfax, VA 22030

and the original was forwarded for filing to:

Hon. John T. Frey
Clerk
Fairfax County Circuit Court
Fairfax County Judicial Center
4110 Chain Bridge Road
Fairfax, VA 22030-4009

and a true copy was forwarded to the

Hon. Jane Marum Roush
Judge
Fairfax County Circuit Court
Fairfax County Judicial Center
4100 Chain Bridge Road
Fairfax, VA 22030-4009

this 10th day of September, 2003.

 Co-Counsel

Co-Counsel